

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CRISTOBAL VARELAS-DAMAS,

Defendant.

MEMORANDUM DECISION AND
ORDER DENYING WITHOUT
PREJUDICE DEFENDANT'S
MOTION FOR COURT ORDER TO
HAVE APPOINTED DEFENSE
COUNSEL TO SEND ALL OF
DEFENDANT'S TRANSCRIPTS TO
THE PETITIONER

Case No. 2:10-CR-1045 TS

This matter is before the Court on Defendant's Motion for Court Order to Have Court Appointed Defense Counsel to Send all of Defendant's Transcripts to the Petitioner. In his Motion, Defendant requests a copy of all trial transcripts in preparation for a motion under 28 U.S.C. § 2255.

The Court notes that Defendant did not go to trial. Therefore, the only transcripts would be from his initial appearance, change of plea hearing, and sentencing. The Court further notes that Defendant has not yet filed a § 2255 motion.

The Court will decline Defendant's request to order defense counsel to supply the transcripts to Defendant. Rather, Defendant should contact his counsel directly and ask for the hearing transcripts. The Court encourages counsel to comply with this request.

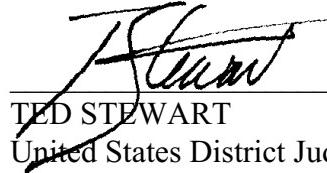
If counsel does not provide the necessary transcripts, Defendant is free to return to the Court to seek the transcripts from the Court. Defendant is reminded that, under 28 U.S.C. 753(f), to obtain a free transcript he must demonstrate that his suit "is not frivolous and that the transcript is need to decide the issue presented by the suit."

It is therefore

ORDERED that Defendant's Motion (Docket No. 23) is DENIED WITHOUT PREJUDICE.

DATED April 5, 2012.

BY THE COURT:



TED STEWART
United States District Judge